

## **CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 192**

**Citations Affected:** IC 5-2-8; IC 5-2-10.1-12; IC 5-10-10-4; IC 20-25-4-22; IC 20-26-7-27.5; IC 20-26-16; IC 20-34-3-20.

**Synopsis:** School safety. Conference committee report for ESB 192. Requires a school safety committee to submit a copy of the floor plans for each building located on the school's property to the law enforcement agency and the fire department that have jurisdiction over the school. Requires school corporations to abate certain school building safety violations that are not immediate safety hazards before the earlier of: (1) one year after the state fire marshal's determination; or (2) six months after the start of the school corporation's next budget year. Requires at least one: (1) tornado preparedness drill; and (2) manmade occurrence disaster drill; during each semester of school. Provides that the governing body of a school corporation (including a school city) may establish a school corporation police department staffed by police officers who have general police powers. Provides that the governing body of a school corporation in collaboration with local law enforcement shall establish the powers of the school corporation police officers. Provides that school corporation police officers' survivors are eligible for death benefits. Requires school corporation police officers to have law enforcement academy education and pre-basic and basic training and to participate in local continuing education programs. Requires a school corporation police officer who was appointed before July 1, 2007, to complete the law enforcement academy education and basic training requirements not later than July 1, 2010. Imposes deadlines for school corporation police officers to begin law enforcement academy education and basic training requirements. Provides that a school corporation police department established before July 1, 2007, is considered a school corporation police department established under this legislation. **(This conference committee report sets out the jurisdiction for school police officers and resolves technical conflicts with SEA 526, the higher education recodification bill.)**

**Effective:** July 1, 2007.

# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 192 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-2-8-1, AS AMENDED BY SEA 526-2007,
- 3 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2007]: Sec. 1. (a) ~~As used~~ **The following definitions apply**
- 5 in this section:
- 6 (1) "Abuse" means:
- 7 (A) conduct that causes bodily injury (as defined in
- 8 IC 35-41-1-4) or damage to property; or
- 9 (B) a threat of conduct that would cause bodily injury (as
- 10 defined in IC 35-41-1-4) or damage to property.
- 11 (2) "County law enforcement agency" includes:
- 12 (A) postsecondary educational institution police officers
- 13 appointed under IC 21-17-5 or IC 21-39-4; **and**
- 14 (B) **school corporation police officers appointed under**
- 15 **IC 20-26-16.**
- 16 (b) There is established in each county a county law enforcement
- 17 continuing education program. The program is funded by amounts
- 18 appropriated under IC 33-37-8-6.
- 19 (c) A county law enforcement agency receiving amounts based upon
- 20 claims for law enforcement continuing education funds under
- 21 IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the
- 22 county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
  - (A) minimize the likelihood of injury to the law enforcement officer; and
  - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as

defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 2. IC 5-2-8-2, AS AMENDED BY SEA 526-2007, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) ~~As used~~ **The following definitions apply** in this section:

(1) "Abuse" has the meaning set forth in section 1(a) of this chapter.

(2) "City or town law enforcement agency" includes:

(A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; **and**

(B) **school corporation police officers appointed under IC 20-26-16.**

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal body of the city or town.

(e) To make a claim under IC 33-37-8-4, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(f) A city or town law enforcement agency shall provide to each law enforcement officer employed by the city or town law enforcement agency continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which the child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(g) A city or town law enforcement agency may enter into an agreement with other county, city, or town law enforcement agencies to provide the continuing education required by this section and section 1(h) of this chapter.

SECTION 3. IC 5-2-10.1-12, AS AMENDED BY P.L.1-2006, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education and the school corporation's school safety specialist shall provide materials to assist a safe school committee in developing a plan for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

**(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.**

SECTION 4. IC 5-10-10-4, AS AMENDED BY SEA 526-2007, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "public safety officer"

- 1 means any of the following:
- 2 (1) A state police officer.
  - 3 (2) A county sheriff.
  - 4 (3) A county police officer.
  - 5 (4) A correctional officer.
  - 6 (5) An excise police officer.
  - 7 (6) A county police reserve officer.
  - 8 (7) A city police reserve officer.
  - 9 (8) A conservation enforcement officer.
  - 10 (9) A town marshal.
  - 11 (10) A deputy town marshal.
  - 12 (11) A probation officer.
  - 13 (12) A state educational institution police officer appointed under
  - 14 IC 21-39-4.
  - 15 (13) A police officer whose employer purchases coverage under
  - 16 section 4.5 of this chapter.
  - 17 (14) An emergency medical services provider (as defined in
  - 18 IC 16-41-10-1) who is:
  - 19 (A) employed by a political subdivision (as defined in
  - 20 IC 36-1-2-13); and
  - 21 (B) not eligible for a special death benefit under IC 36-8-6-20,
  - 22 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
  - 23 (15) A firefighter who is employed by the fire department of a
  - 24 state university.
  - 25 (16) A firefighter whose employer purchases coverage under
  - 26 section 4.5 of this chapter.
  - 27 (17) A member of a consolidated law enforcement department
  - 28 established under IC 36-3-1-5.1.
  - 29 (18) A gaming agent of the Indiana gaming commission.
  - 30 (19) A person who is:
  - 31 (A) employed by a political subdivision (as defined in
  - 32 IC 36-1-2-13); and
  - 33 (B) appointed as a special deputy under IC 36-8-10-10.6.
  - 34 **(20) A school corporation police officer appointed under**
  - 35 **IC 20-26-16.**
  - 36 SECTION 5. IC 20-25-4-22 IS ADDED TO THE INDIANA CODE
  - 37 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
  - 38 1, 2007]: **Sec. 22. The governing body of a school city may establish**
  - 39 **a police department under IC 20-26-16.**
  - 40 SECTION 6. IC 20-26-7-27.5 IS ADDED TO THE INDIANA
  - 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
  - 42 [EFFECTIVE JULY 1, 2007]: **Sec. 27.5. (a) Notwithstanding any**
  - 43 **other law, if:**
  - 44 **(1) as a result of an inspection of a school building under**
  - 45 **IC 22-14-2-11 that is not an inspection to determine**
  - 46 **compliance with a legal standard for accreditation, the**
  - 47 **division of fire and building safety of the department of**
  - 48 **homeland security determines that there is a violation of a fire**
  - 49 **safety law at the school building;**
  - 50 **(2) the fire safety law that the division determines has been**
  - 51 **violated at the school building incorporates a standard that:**

(A) was not a fire safety law at the time of the construction or renovation of the school building and is being applied retroactively to the building by an employee of the division of fire and building safety; or

(B) previously was not applicable to the building; and

(3) the violation is not a condition that creates an immediate safety hazard and is monitored under daily maintenance and supervision;

the school corporation shall abate the violation before the earlier of one (1) year after the violation determination or six (6) months after the start of the school corporation's next budget year following the violation determination.

(b) The expense of the abatement may be paid out of funds appropriated for such purposes in the budget year following a violation determination under subsection (a).

SECTION 7. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 16. School Corporation Police Departments**

**Sec. 1.** This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12).

**Sec. 2.** The governing body of a school corporation may establish a school corporation police department under this chapter.

**Sec. 3.** The governing body of a school corporation may do the following for the school corporation police department:

(1) Appoint school corporation police officers.

(2) Prescribe the duties and direct the conduct of school corporation police officers.

(3) Prescribe distinctive uniforms.

(4) Provide emergency vehicles.

**Sec. 4.** An individual appointed as a school corporation police officer must successfully complete at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

**Sec. 5. (a)** Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

**(b)** As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not:

1           (1) make an arrest;  
 2           (2) conduct a search or a seizure of a person or property; or  
 3           (3) carry a firearm;  
 4   **unless the school corporation police officer successfully completes**  
 5   **a pre-basic training course under IC 5-2-1-9(f).**

6       **Sec. 6. (a) A school corporation police officer appointed under**  
 7   **this chapter:**

- 8           (1) is a law enforcement officer (as defined in IC 5-2-1-2(1));  
 9           (2) must take an appropriate oath of office in a form and  
 10          manner prescribed by the governing body;  
 11           (3) serves at the governing body's pleasure; and  
 12           (4) performs the duties that the governing body assigns.

13       **(b) School corporation police officers appointed under this**  
 14   **chapter have general police powers, including the power to arrest,**  
 15   **without process, all persons who within their view commit any**  
 16   **offense. They have the same common law and statutory powers,**  
 17   **privileges, and immunities as sheriffs and constables, except that**  
 18   **they are empowered to serve civil process only to the extent**  
 19   **authorized by the employing governing body; however, any powers**  
 20   **may be expressly forbidden them by the governing body employing**  
 21   **them. In addition to any other powers or duties, such police officers**  
 22   **shall enforce and assist the educators and administrators of their**  
 23   **school corporation in the enforcement of the rules and regulations**  
 24   **of the school corporation, and assist and cooperate with other law**  
 25   **enforcement agencies and officers.**

26       **(c) Such police officers may exercise the powers granted under**  
 27   **this section only upon any property owned, leased, or occupied by**  
 28   **the school corporation, including the streets passing through and**  
 29   **adjacent to the property. Additional jurisdiction may be**  
 30   **established by agreement with the chief of police of the**  
 31   **municipality or sheriff of the county or the appropriate law**  
 32   **enforcement agency where the property is located, dependent upon**  
 33   **the jurisdiction involved.**

34       **Sec. 7. A school corporation police department established**  
 35   **before July 1, 2007, shall be considered, after June 30, 2007, a**  
 36   **school corporation police department established under this**  
 37   **chapter.**

38       SECTION 8. IC 20-34-3-20, AS ADDED BY P.L.1-2005,  
 39   SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40   JULY 1, 2007]: Sec. 20. (a) The governing body of a school  
 41   corporation shall require each school in the governing body's  
 42   jurisdiction to conduct periodic fire drills during the school year in  
 43   compliance with rules adopted under IC 4-22-2 by the state board.

44       **(b) Each school and attendance center shall conduct at least:**

- 45           (1) one (1) tornado preparedness drill; and  
 46           (2) one (1) manmade occurrence disaster drill;

47   **during each semester.**

48       ~~(b)~~ (c) The governing body of a school corporation shall require  
 49   each principal to file a certified statement that ~~fire~~ **all** drills have been  
 50   conducted as required under this section.

51       SECTION 9. [EFFECTIVE JULY 1, 2007] (a) **An individual**



1 appointed as a school corporation police officer before January 1,  
2 2007, must begin the training and education required under  
3 IC 20-26-16-5, as added by this act, not later than January 1, 2008.  
4 However, an individual who is unable to begin the training and  
5 education not later than January 1, 2008, due to the existence of a  
6 waiting list for the training and education must begin the training  
7 and education as soon as possible after January 1, 2008.

8 (b) An individual appointed as a school corporation police  
9 officer after December 31, 2006, and before July 1, 2007, must  
10 begin the training and education required under IC 20-26-16-5, as  
11 added by this act, not later than one (1) year after the individual's  
12 appointment. However, an individual who is unable to begin the  
13 training and education within one (1) year after the individual's  
14 appointment due to the existence of a waiting list for the training  
15 and education must begin the training and education as soon as  
16 possible after the expiration of the one (1) year period.

17 (c) Notwithstanding IC 20-26-16-5, as added by this act, an  
18 individual appointed as a school corporation police officer before  
19 July 1, 2007, who is unable to complete the training and education  
20 required under IC 20-26-16-5, as added by this act, not later than  
21 July 1, 2010, due to the existence of a waiting list for the training  
22 and education, must complete the training and education as soon  
23 as possible after July 1, 2010.

24 (d) This SECTION expires January 1, 2011.

(Reference is to ESB 192 as reprinted March 7, 2007.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 192**

**S**igned by:

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Senator Lubbers  
Chairperson

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Representative Porter

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Senator Sipes

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Representative Behning

**Senate Conferees**

**House Conferees**